

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 14-14175-RGS

JOHN BLOMGREN.,
Petitioner

v.

BRUCE GELB,
Respondent

ORDER ON REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

July 29, 2015

STEARNS, D.J.

I agree with Magistrate Judge Dein's determination that the petition is untimely under the one-year limitations period prescribed by 28 U.S.C. §2244(d)(1).¹ I further agree that there is no basis for invoking the doctrine of equitable tolling in light of petitioner's lack of diligence and failure to show any extraordinary circumstances.² Consequently, the Recommendation is ADOPTED and the petition is DISMISSED with prejudice. Any request for

¹ As the Report notes, the judgment in petitioner's state case became final on June 25, 2010. The two motions petitioner filed to revise and revoke his sentence during the interval before the filing of this petition on November 24, 2014, were not properly filed and therefore, as the Magistrate Judge determined, do not excuse the untimely filing of the petition.

² I note that petitioner has not filed an objection to the Report.

the issuance of a Certificate of Appealability pursuant to 28 U.S.C. § 2253 is DENIED, the court seeing no meritorious or substantial basis supporting an appeal. The Clerk is instructed to close the case.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE